

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Advanced Concrete Tools, Inc.,

Plaintiff,

Civil Action No. 3:10CV1139

vs.

Judge Haynes

**Herman W. Beach and
Manown Engineering Co., Inc.,**

Defendants.

*OPINION
The motion is
unopposed with 2 AM PEL. The Defendant
shall produce the documents
within 20 days of this Order or
reschedule.*

PLAINTIFF'S MOTION TO COMPEL

COMES the Plaintiff, by and through counsel, and moves this Court to enter an Order compelling the Defendants to deliver documents requested through discovery consistent with the Rule 37 of Federal Rules of Civil Procedure. In support of this Motion, it would be shown as follows:

1. On the 1st day of June, 2011, the deposition of Defendant Herman Beach was taken.

The Defendant was asked to supply, as Late Filed Exhibit No. 1, a copy of Mr. Beach's file which was to include the prospectus, the due diligence agreements, and the financials. See **Exhibit A** (Excerpt of Beach Deposition at p. 18, dated June 1, 2011).

2. The request was directly related to the claims asserted by the Defendants in this action, and the information requested is discoverable under the Rules of Civil Procedure.

3. The documents requested were purported to have been part of the sale documents exchanged as part of the sale at issue in this action and, as such, should have been part of